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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,402

03/18/2004

Clark E. Smith

C382.12-0180

7374

27367

7590

05/04/2006

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EXAMINER

FANTU, YALKEW

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,402

Applicant(s)

SMITH ET AL.

Examiner

Yalkew Fantu

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

The information disclosure statement filed 06-14-2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

It is noted that applicants have cited an exceptional amount of prior art in the disclosure statement of 06-14-2004. Many of the references appear to have no relevance to the disclosed or claimed invention. Applicants are requested to point out any references, which applicants are aware of, that have particular relevance to the claimed invention. Additionally it is noted that the cited 6,104,167 discloses an invention nearly identical to the disclosed and claimed invention. See MPEP 2004. "It is desirable to avoid the submission of long lists of documents if it can be avoided. Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. See *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.*, 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), *aff'd*, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), *cert. denied*, 414 U.S. 874 (1974). But cf. *Molins PLC v. Textron Inc.*, 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995)."

Claim Objections

Claims 5-9 and 16-20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent

Art Unit: 2838

form, or rewrite the claim(s) in independent form. These claims are directed to the structure of the "external device" with which the claimed battery charger is intended to be used with and thus do not further limit the claims directed to the battery charger.

Claims 1 and 12 are objected to because of the following informalities: the claimed "code form the battery" is incorrect. The claims have been interpreted as reading "code from the battery" for the purpose of prior art rejections set forth below. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bertness et al.

Regarding claim 1, Bertness et al. discloses a "battery charger [figure 1] comprising: battery charging circuitry [figure 1 -12] configured to couple to a battery [8], and to provide a charging signal to the battery [col 2, lns 38-48]; and communication circuitry [80], coupled to the charging circuitry [via 34], configured to transmit a signal to an external device upon receipt of a charge status code form [sic - from] the battery charging circuitry [col 5, lns 5-17]."

Regarding claim 2, Bertness et al. discloses "a Kelvin connection configured to couple to the battery [col 5, lns 17-21]."

Regarding claim 3, Bertness et al. discloses “the charge status code indicates that the battery charge is complete [col 5, lns 22-34].”

Regarding claim 4, Bertness et al. discloses “the charge status code is indicative of a time remaining for the battery to be completely charged [col 5, lns 22-34].”

Regarding claims 5-9, the claim limitations directed to the “external device” do not define structure of the claimed battery charger and do not patentably distinguish over Bertness et al.

Regarding claim 10, Bertness et al. discloses “the signal, that the communication circuitry is configured to transmit, is a radio frequency signal [col 5, ln 10].”

Regarding claim 11, Bertness et al. discloses “the signal, that the communication circuitry is configured to transmit, is an infrared signal [col 5, ln 10].”

Regarding claims 12-22, the method steps of method claims 12-22 are met by the operation of Bertness et al. as applied to claims 1-11 above.

Conclusion

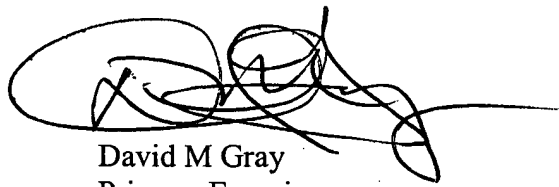
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Liebenow is cited for its teaching of the inconvenience of a user being required to stay in the location of an apparatus in order to receive a direct indication that the apparatus has completed a task. In order to solve this problem Liebenow teaches providing communication between the apparatus and the user via a cell phone or a pager in order to apprise the user that the apparatus has completed the task.

Art Unit: 2838

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-8928. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David M Gray', with a large, stylized flourish extending to the right.

David M Gray
Primary Examiner
Art Unit 2851